

APPENDIX B

Methodology for CWPPG Study

I. Recitations

- A. The parties and CWPPG understand that CWPPG's review is designed to measure the Department's and the Division's fidelity to the parties' Agreement to Terminate the Lawsuit approved by the Court on June 28, 2007 (hereinafter, the Agreement).**
- B. The parties and CWPPG agree that CWPPG's review will focus on whether the Department's and the Division's actions in complying with the Agreement were reasonable given the totality of the circumstances for the action measured.**
- C. The parties and CWPPG agree that the definitions set forth in the Agreement shall apply to CWPPG's methodology and review.**
- D. The parties and CWPPG agree that CWPPG's Report will be framed according to the methodology set forth below.**
- E. Timeframe: The parties and CWPPG agree that the bulk of CWPPG's review will take place between July, 2008-October, 2008. CWPPG will have full opportunity to review all information on the website in the interim, and to attend one QCR outside of the review period.**
- F. The parties and CWPPG understand that, as of June 28, 2007, CWPPG will no longer fulfill the role of Court Monitor and that the 2008 review will constitute a separate function.**

II. METHODOLOGY FOR CWPPG'S REVIEW: (paragraph numbers correspond to the numbers in the Agreement)

14. The parties stipulate and agree that the systemic reforms achieved by the parties need to be sustained. In order to sustain positive outcomes for children and families, the Division agrees to continue operating in accordance with the *Milestone Conditions*, as defined in Appendix A until at least December 30, 2010. The parties stipulate that Defendants' compliance with the terms of this Stipulation provide appropriate mechanisms to ensure that the system will sustain positive outcomes for children and families in the absence of on-going federal court oversight and monitoring by Plaintiffs and the Court Monitor. The *Milestone Conditions* are defined in Appendix A as:

- A. Implementation and training of a Practice Model substantially similar to the Model currently in place as of January 24, 2007 to all direct service employees. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPPG will review training tracking logs, observe training deliveries, and interview key leadership to determine what percentage of staff is trained in the Practice Model (which modules, etc).**
- B. The use of Priority Focus Areas: **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPPG will review the quarterly reports to determine: (a) Are the priority focus areas clearly identified; (b) Is an action plan or plans clearly identified; (c) Has the Division acted on the action plan(s); (d) Has the state QI Committee been involved in identifying the priority focus areas and following the Division's action plan(s); (e) If the Division has determined that an area has been adequately addressed, has the Division sought and considered the input of the State QI Committee (through documentation or stakeholder interview) and is the information reported in a transparent way (either through a quarterly or annual report).**
- C. The maintenance of a SACWIS system substantially similar or improving upon the current SAFE system. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPPG will receive information from the Division on any changes to the SAFE system that have occurred between July, 2007-July, 2008.**
- D. The maintenance of a case process review and a qualitative case review substantially similar to the ones currently performed. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPPG will review any changes to the CPR and QCR through the process set forth in paragraph 20 of the Agreement. CWPPPG will analyze and review report trends, back-read a sample of 2007-2008 CPR cases, and review a small (between 10-25 %) sample of QCR**

case stories. Outside of the review period, CWPPG will have a small staff presence (approximately 3 people) to observe a Salt Lake Valley QCR in 2008 and will observe the debriefings and the exit conference. CWPPG will also observe the first QCR in September/October 2008, attending the entire QCR (or significant portions of it) to determine fidelity to the current process. OSR will provide the sampling matrix for each review. CWPPG will evaluate whether the integrity of the process has been maintained, for example: that OSR leads the debriefing, that the sample size remains substantially similar, and that the process and scoring remain substantially similar to what exists in FY 2007.

- E. The maintenance of Quality Improvement Committees that perform the core functions set forth in the Milestone Plan (“The purposes of the QI Committee is to study the data and outcomes children, families and communities experience, and to suggest changes in resource deployment, policy, procedure and practice that will improve or maintain favorable outcomes.”). **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will visit QI Committee meetings, will interview key stakeholders, including legal partners, will review minutes from the QI Committees, and will evaluate whether the Committees:** (a) Review trend data in a meaningful way (i.e. understand highs and lows, where trends have remained stable, etc.); (b) Have the opportunity to discuss what communities can do for improvement; (c) Have the opportunity to address media and public relations issues; (d) Have the opportunity to work on qualitative reviews, special studies and/or other special functions (such as the stories of hope); (e) Have the opportunity to participate in Child Welfare Practicum (currently referred to as “immersions”) and/or the QCR; (f) Provide quarterly reports that reflect (i) what the committees have reviewed and discussed; (ii) what functions they have performed; (iii) what recommendations, if any, they have provided to

the Division regarding resource allocation, policy, procedure or practice changes, and (iii) whether the Division has provided a reasonable response to the recommendations that explains why the recommendations has been adopted, rejected, or modified.

- F. Flexible Funding: METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will review the DCFS budget and other relevant documentation, and interview DCFS stakeholders to determine that flexible funding continues to be available.**

16. Milestone Four establishes “priority focus areas” as they existed in 1999. The parties agree that these priority focus areas need to be updated. Accordingly, the Division has consulted with the State QI Committee to identify new areas for priority focus. These priority areas are: employee retention and recruitment, placement stability, and substance abuse. A strategy for improvement in each of these areas will be identified in writing prior to June 28, 2007. Progress on these areas shall become part of the Division’s quarterly report until December 31, 2010 or until the focus areas are deemed adequately addressed by the Division with the active participation of the State QI Committee. **METHODOLOGY: See paragraph 14(B) above.**

18. Milestones Six through Nine set forth the Division’s commitment to analyze trend data, conduct the Case Process Review (CPR) and the Qualitative Case Review (QCR), and to establish QI committees. Defendants recognize the importance of sustaining the on-going processes and objectives set forth in these milestones as they have played a pivotal role in the Division’s reform of its child welfare system. Accordingly, the Division has finalized and adopted administrative policy that specifically incorporates the Division’s role in carrying out the collection and analysis of trend data, and supporting the CPR, QCR, and QI Committees. The new policies shall be published on the

Department Website and provided to Plaintiffs on or before May 11, 2007. The Division's role in supporting these important functions will be substantially the same as in FY 2007, until at least December 31, 2010. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will confirm that the policy is available on the Department Website, and will use stakeholder interviews to determine whether the policy has been followed.**

19. The Office of Services Review will continue to have responsibility for administering the CPR and the QCR. OSR will conduct the CPR on an annual basis and the QCR annually for each region. OSR shall independently review case transfers and case code changes that occur between the first and second Salt Lake City QCR reviews and take other steps to protect the integrity of the QCR process, as necessary. The Department may make changes to the CPR or QCR processes and/or instruments, following the process set forth in paragraph 20. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will monitor any changes to the CPR and QCR through the process set forth in paragraph 20. See also paragraph 14 (D) above. If the annual report is not available during CWPPG's review period (July, 2008-October, 2008), OSR will provide as much information as is reasonably available.**

20. Defendants may propose material changes in the policies, practices, and procedures set out in Part II of this Stipulation that Defendants believe are necessary and proper for the effective administration of the Division, or are necessary to comply with or implement changes in the law that make it impossible for Defendants to comply with any policy, practice, or contained herein. If Defendants propose such changes, they shall

provide prompt written notice to the State QI Committee. The notification shall include:

(a) the proposed change; (b) a summary of the reason for the change; and (c) the proposed date of implementation of the change. The State QI Committee will have no fewer than 45 days to comment on the proposed change (the proposed date for implementation must be at least 45 days after the notice is given). Defendants shall give full, fair, and good faith consideration to all comments and objections received, and shall notify the State QI Committee in writing of their decision and the reasons supporting their decision. The Division shall provide complete information on all material changes in the policies, practices, and procedures set out in Part II in an appendix to its annual report, which will be publicly available on its website. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will evaluate whether (a) any changes have been made, (b) whether the State QI Committee was given notice of the proposed change no fewer than 45 days before the proposed date of implementation; (c) whether the State QI Committee had an opportunity to actively participate in the process; (d) whether the Division provided a written response to any written feedback given by the State QI Committee; (e) whether the changes were published in the Annual report. CWPPG will evaluate compliance with this paragraph through record review and stakeholder interview.**

21. The parties stipulate and agree that the overarching systemic reform of Utah's child welfare system achieved through the efforts of Defendants, Plaintiffs, and the Court Monitor will be sustained. Defendants hereby agree to maintain this reformed system by complying with the requirements set forth in Sections A-F below. These requirements will be sustained unless and until the Division and/or Department determines with the

input of the State QI Committee (or other community partners if this committee no longer exists after December 31, 2010) that a particular requirement is no longer resulting in positive outcomes for children and families, or that there is a new model that would improve upon the systemic reforms. The Division will provide an explanation for changes to these requirements in its Annual Report, which shall be publicly available on its website. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will evaluate whether (a) any changes have been made; (b) whether the state QI committee has actively participated in the process; (c) whether the Division has documented (i) that the requirement is no longer resulting in positive outcomes for children and families; or (ii) that there is new model that would improve upon systemic reforms and (iii) the basis for the Division's decision to change the requirement. CWPPG will evaluate this through review of the Annual Report and Stakeholder interview.**

23. The Division shall provide appropriate training to all direct service employees on the practice guidelines, and will ensure that employees are made aware of any changes to the guidelines through practice alerts and on-going training and mentoring. All direct service employees must be informed of, trained on, and employs the Practice Model. Direct service employees shall also be made aware through training and through Division administration that adherence to the Practice Model is mandatory. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will review training tracking logs, observe training deliveries, and interview key leadership to determine what percentage of staff is trained in the Practice Model (which modules, etc) and**

whether and to what extent staff are informed that adherence to the Practice Model is mandatory.

24. The Division shall continuously assess the Practice Model and the practice guidelines, and take steps to improve these case practices for children and families. The Division will notify the State QI Committee of any material change in the Practice Model and practice guidelines in accordance with paragraph 20. The Division will also provide such information in its annual report, which will be publicly available on its website.

METHOLODOGY: See paragraph 20, above.

25. Defendants shall make good faith efforts to ensure that sufficient resources are made available to sustain the reforms and outcomes achieved through this litigation. It is acknowledged by the parties that substantial budget cuts will undermine the Division's ability to run its child welfare system. As part of the good faith efforts, the Department shall engage key community stakeholders in its efforts to ensure sufficient financial resources, including not limited to the Child Welfare Legislative Oversight Panel and the Governor's Child and Family Cabinet Council (described in paragraph 39), by providing information and data as described in section D, and involving them in identifying needs and resources. The Department will also engage the QI Committees in these efforts and in seeking other community investment in the child welfare system. **METHODOLOGY:**

During the review period (July, 2008-October, 2008), CWPPG will determine whether good faith efforts have been made by reviewing the budget, and interviewing stakeholders to determine whether the Division has made good faith efforts to provide information to appropriate stakeholders and to elicit support for its budget.

26. In order to be deemed sufficient, resources must be adequate to support the continued administration of the quality assurance mechanisms set forth in Milestones 5-9 (or comparable quality assurance mechanisms after December 30, 2010), a trained workforce with a reasonable caseload (as described in Section C), administration and support for the SACWIS system (as described in Section D), and to maintain contract and flexible funding, as defined in Appendix A. The Division will designate sufficient resources to actualize this commitment. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will evaluate financial reports, budgets, and evaluate whether sufficient resources are designated such that the above listed items are maintained in a manner similar to how they are maintained in FY 2007.**

27. The Division will make information on its budget available on the Department website on an annual basis. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will evaluate the budget and make sure that it is published on the Department Website.**

28. Defendants recognize that having a trained workforce with a manageable caseload is crucial to sustaining the reforms achieved through this action. In order to maintain these important workforce standards, the Department and/or the Division shall carry out the following:

- (1) The Division shall ensure that all direct service employees receive training in accordance with the requirements of Utah Code § 62A-4a-107 (or its successor). **METHODOLOGY: See Paragraph 23.**
- (2) The Department shall conduct a workload study in Spring/Summer 2007. The methodology is attached at Appendix C, and the study's findings will be posted on the Department website. The Department will comply with the study's findings to the best of its abilities.

- (3) The Division shall ensure that supervisor to caseworker ratios are appropriate to ensure adequate supervision and mentoring. Appropriate supervisory ratios will be established by the Division's 2007 workload study.
- (4) The Division shall ensure that trainers have sufficient knowledge and ability to provide appropriate levels of training and support. The Division shall ensure that there are an appropriate number of trainers to comply with the training requirements set forth in Utah Code § 62A-4a-107.
- (5) The Department shall continue to monitor caseloads and the correlation between caseload and employee performance.
- (6) The parties stipulate that, at the present time, the appropriate caseload level is 15 cases per worker for CPS and in-home, and 12 cases per worker for foster care. If the workforce study performed by DCFS indicates that these numbers need to be adjusted, the Division will make reasonable efforts to adjust them.

METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will evaluate whether the Division and/or Department has made reasonable efforts to address workload needs. CWPPG will evaluate this using record review and stakeholder interviews.

29. The Division shall provide caseload data to the Child Welfare Legislative Oversight Panel, the Child and Family Cabinet Council, and the state and regional Quality Improvement Committees at least semi-annually. Caseload data shall also be posted on the Department's website and updated at least annually. When material increases in caseload occur over three consecutive quarters, the Division will provide a plan to address those increases on its website, linked to the caseload data.

METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will review training tracking logs, and interview key leadership to determine what

percentage of staff is trained in the Practice Model (which modules, etc). CWPPG will evaluate (a) whether the caseload data is available on the Website, (b) whether the caseload data indicates a material increase in caseload and (c) if there is a material increase in caseload, has the Division provided a plan to address the increase, and (d) is that plan provided on the website. CWPPG will evaluate compliance with this paragraph through records review and stakeholder interview.

31. In order to ensure that Utah's child welfare system remains transparent, the Department shall do the following:

- (1) The Division shall continue to operate a statewide automated child welfare information system (SACWIS) equivalent to or better than the current SAFE data system that will track compliance with performance goals whenever possible. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will interview stakeholders and review the SACWIS system to (a) review its current level of functioning and (b) learn about any improvements to the system.**
- (2) The Office of Services Review shall perform the CPR and QCR annually and will issue an annual report, and the Division will provide support as set forth in more detail in paragraphs 18 and 19, above. **METHODOLOGY: as set forth above.**
- (3) The Department shall make the following information available on the Department website as soon as it is practicably available: CPR scores (posted annually), QCR scores for each region (posted annually as regional data is available); workload study results; OSR annual report; the Division quarterly reports (including trend data and caseloads broken down by region); Federal Child and Family Services Review data, including program improvement plans and updates. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will review the websites and insure that information is available.**

- (4) If the data collected in the QCR or CPR demonstrates a marked decline in performance (as defined in Appendix A), or if there is a material increase in caseloads that occurs over three consecutive quarters, the Department shall provide an appropriate response to the marked decline in writing, which shall be available on the Department website. **During the evaluation period (July, 2008-October, 2008), CWPPG will evaluate whether the (a) OSR annual report indicates a marked decline in performance, (b) whether the Department, has provided an appropriate response in writing and (c) whether the response is available on the Department website. If the annual report is not available, CWPPG will review the available regional reports, and OSR will provide as much information as is reasonably available.**
- (5) The Office of Services Review shall provide information regarding the QCR and CPR results to each QI committee annually, and will provide reasonably available region specific information as requested by the regional committees. OSR shall also have responsibility for the analysis of system performance data and identify areas of concern, if any. **During the review period (July, 2008-October, 2008), CWPPG will visit QI Committee meetings, interview key stakeholders, and review QI and OSR records.**
- (6) The Division shall notify Plaintiffs' counsel when the data required in (3) is made available. Defendants shall also provide such information, as Plaintiffs may deem necessary or appropriate to monitor and evaluate Defendants' compliance or non-compliance with the parties' Stipulation, as long as that information is reasonably ascertained and organized. This obligation shall continue through December 30, 2010.
- (7) In accordance with best practices around the country, trend data shall be analyzed through multiple cohorts, including entry, exit, and point-in-time, depending on which process or combination of processes provides the most reliable methodology for the trends being tracked. **During the review period (July, 2008-October, 2008), CWPPG will review quarterly reports and**

other appropriate records, and interview appropriate stakeholders about the methods of analysis.

32. The parties agree that QI committees play a crucial function in ensuring the sustainability of reforms by providing for an informed public review of system performance. In order to support this important role, the Division shall commit to the following:

- (1) The Division shall provide adequate staffing for the state and regional committees to ensure adequate membership (as discussed below in subparagraph 3) assist these committees with data collection and interpretation, to provide detailed information regarding the Division's practice, and to support the QI committees' ability to make recommendations for systemic improvement. OSR shall assist the Division in providing QI committees with data an analytical framework for that data. When necessary, the Division staff shall coordinate with the QI committees to gather additional information from the community. **During the review period (July, 2008-October, 2008), CWPPG will review QIC minutes and interview stakeholders to determine whether the Division is providing adequate staff support that provides (a) assistance with data collection and interpretation, (b) provides information on Division practice if requested, (c) supports the QIC's ability to make recommendations, and whether (d) OSR is meeting with the QICs to provide an analytic framework for the data.**
- (2) The Division shall educate the QI committees about the data and information sources used by the Division and the Department annually. QI committee members will be invited to attend QCR reviews, to participate in daylong child welfare practicum (currently referred to as "immersions"), and to shadow workers when appropriate. **During the review period (July, 2008-October, 2008), CWPPG shall determine whether QI committee members are given the opportunity to attend "immersions" and QCR reviews, and whether the committees are given information about the data and information available to them. To make this determination, CWPPG**

shall review records, including QIC minutes and immersion attendance records, attend QI meetings, and interview stakeholders.

(3) The Division shall make reasonable and good faith efforts to recruit at least one GAL or CASA, at least one former foster youth or family member who has been involved with the child welfare system, and at least one foster parent to participate on the state and regional QI Committees. The Division shall make good faith efforts to ensure that the committees reflect the racial diversity of any significant minority of the Division's clients. **During the review period (July, 2008-October, 2008), CWPPG shall review the membership rosters of the QICs, shall interview stakeholders, and shall review data regarding racial diversity, and determine whether good faith efforts have been made to recruit the groups mentioned above.**

(4) The Division shall facilitate the exchange of information among QI committees by supporting a website, and other appropriate information sharing devices. The Division shall also continue the practice of having an annual QI committee summit to assist in the exchange of information and best practices from the regions. **During the review period, CWPPG shall review the existing website, and have access to any portion of the website to determine its functionality.**

33. Once federal court oversight concludes, Utah's child welfare system will have sufficient oversight from other entities outside the Division to ensure continued progress and to minimize system regression. In addition to the oversight efforts described above, the Department also shall maintain the following processes and entities to ensure systemic monitoring and improvement:

(1) The Department shall continue to provide staffing and administrative support for the Office of Child Protection Ombudsman and the Child Fatality Review Committee. These entities play a vital role in monitoring the child welfare system, responding to system challenges or failures, and preventing systemic problems. **METHODOLOGY: During the review period (July, 2008-**

October, 2008), CWPPG will review reports and interview stakeholders regarding (a) the Department's continued support of OCPO and CFRC.

- (2) The Department's Executive Director's Office and executive leadership team shall continue to provide input and assistance.
- (3) The Department will continue to provide administrative support for the handling of individual complaints, and will work with the Governor's office to resolve constituent complaints received by that office.
- (4) The Division will continue to provide technical assistance and support to the regions through the use of practice improvement teams and reliance on OSR, at least through December 30, 2010. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will interview stakeholders and review any available documentation of the Division's provision of technical assistance and support to the regions, including, but not limited to: finishing touches, program improvement plans, and practice changes.**
- (5) The Division will comply with the Federal Administration on Children and Families' Federal Child and Family Services Review. These reviews will provide state specific and comparative data on the Division's performance. Results from the Reviews will be available on the Department Website. **METHODOLOGY: CWPPG will review the Division's submissions to the Federal Government, and any performance improvement plans or other federally required actions.**

34. The Department shall also provide information on system performance to entities that provide direct oversight of the child welfare system, including information regarding performance areas where there has been a marked decline in performance as defined in Appendix A. This information shall be publicly available on the Department website, and will be presented (either orally or in writing) to the following entities at least annually: the DCFS Board, the QI Committees, the Child Welfare Legislative Oversight Panel, and the Governor's Child and Family Cabinet Council. Information that shall be

provided includes, but is not limited to: CPR and QCR results, DCFS quarterly and annual reports, OCPO reports, Child Fatality Review Annual Report reports, and the Foster Care Citizen Review Board Annual Report, as long as such committees exist.

METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will interview stakeholders and review documentation of submissions, to determine whether the information is publicly available and widely disseminated as set forth above.

35. The Department shall continue to provide performance information to and collaborate with outside entities who share systemic concerns, including but not limited to: the Drug Endangered Children panels, the YWCA, the Standing Committee on Child and Family Law administered by the Judicial Council, the Board of Juvenile Court Judges, the Court Improvement Project, and Voices for Utah Children. The Department anticipates that these entities will provide another level of system review. If appropriate, the Department will engage some of these entities in supporting the Department's request for Division funding. **METHODOLOGY: During the review period (July, 2008-**

October, 2008), CWPPG will interview stakeholders, attend meetings, and review documentation provided by the Division to determine whether performance information is shared, and whether collaboration has been sought.

36. The Department shall provide information and testimony to the Child Welfare Legislative Oversight Panel at least annually on the safety and well being of Utah's children, and will provide testimony to other committees and sub-committees of the Utah Legislature as requested. **METHODOLOGY: During the review period, or during applicable legislative sessions, CWPPG will access testimony given to the CWLOP.**

37. The Division will work with the local institutions of higher education to maintain an appropriately educated workforce and, when appropriate, will use the institutions' resources for research, independent review of system performance, and to study areas where the Division has experienced a marked decline in performance.

METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will evaluate any documentation of the Division's work with institutions of higher education and conduct appropriate stakeholder interviews.

38. The Department will continue to invite community leaders to participate in daylong child welfare practicum (currently referred to as "immersions") until at least June 30, 2008. **METHODOLOGY: During the review period (July, 2008-October, 2008), CWPPG will review attendance lists from the Child Welfare Practicum; will interview stakeholders and attendees; and may attend a practicum.**